

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
EVANSVILLE DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 3:18-cr-00004-RLY-MPB
	)	
TRAVIS L. ELAM,	)	-01
	)	
Defendant.	)	

**REPORT AND RECOMMENDATION**

On September 23, 2021, the Court held an Initial Appearance on a Warrant for Violation of Supervised Release. Defendant Elam appeared in person with his appointed counsel Ron Freson. The government appeared by Matt Miller, Assistant United States Attorney. The United States Probation and Parole Office appeared by Officer Brian Deardurff.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Elam of his rights and provided him with a copy of the petition. Defendant Elam waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Elam admitted violations 1, 2, 4 and 5 (Docket No. 34).
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

	Violation Number	Nature of Noncompliance
	1	<p>"The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance."</p> <p>As previously reported to the Court, on July 27, 2021, Mr. Elam provided a urine sample which tested positive for Methamphetamine. This sample was confirmed positive for Methamphetamine and Amphetamine on August 16, 2021.</p> <p>On August 27, 2021, Mr. Elam provided a urine sample which tested positive for THC /Cannabinoids. This sample was sent for confirmation testing and results are pending.</p>
	2	<p>"You shall report to the probation officer in a manner and frequency directed by the court or probation officer."</p> <p>Mr. Elam failed to appear for a scheduled office appointment with his probation officer on August 30, 2021 at 10:00am.</p>
	3	<p>"You shall submit to substance abuse testing to determine if you have used a prohibited substance or to determine compliance with substance abuse treatment. Testing may include no more than 8 drug tests per month. You shall not attempt to obstruct or tamper with the testing methods."</p> <p>Mr. Elam failed to appear for a random urinalysis drug screen at Evansville Volunteer of America on August 30, 2021 and on September 3, 2021.</p>
	4	<p>"The defendant shall not commit another federal, state, or local crime."</p> <p>On September 4, 2021, Mr. Elam was arrested by Casey Police Department in Clark County Illinois for Possession of Methamphetamine in case number: 21-09-04-084.</p>
	5	<p>"You shall make a good faith effort to follow instructions of the probation officer necessary to ensure compliance with the conditions of supervision."</p> <p>From August 31, 2021 to September 15, 2021, United States Probation Officer Deardurff attempted multiple unsuccessful attempts in contacting the offender.</p>

4. The parties stipulated that:

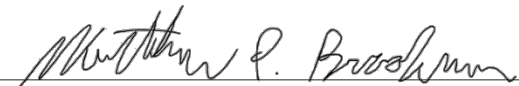
- (a) The highest grade of violation is a Grade B violation.
- (b) Defendant's criminal history category is V.
- (c) The advisory range of imprisonment applicable upon revocation of supervised release, therefore, is 18-24 months' imprisonment.

5. The Parties jointly recommended a sentence of twelve (12) months with no further supervision upon release from imprisonment.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he be sentenced to custody of the Attorney General or his designee for a period of twelve (12) months with no further supervision upon release from the Bureau of Prisons. The Magistrate Judge further recommends that a request and recommendation be made to the Bureau of Prisons that defendant be placed at its facility in Marion, Illinois.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Dated: October 12, 2021



Matthew P. Brookman  
United States Magistrate Judge  
Southern District of Indiana

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